

U.S. DISTRICT COURT
SAN JUAN, P.R.
2013 JAN 10 AM 11:53

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

[1] XAVIER JIMÉNEZ-BENCEVI aka
“Xavi”, “Benjie Rafael Alicea-Colón”,
“José Andino”, “Reinaldo Jiménez-
Bencevi”, and “Benjamín Amesquita-
González”

[2] JUAN C. NÚÑEZ-GERENA aka “Juan
Bobo”
Defendants.

SUPERSEDING INDICTMENT

CRIMINAL NO. 12-221(JAF)

VIOLATIONS:

18 U.S.C. § 1512(a)(1)(C) & 2
18 U.S.C. § 1201(a)(1) & 2
18 U.S.C. § 924(c)(1)(A) & 924(j)
18 U.S.C. § 922(o) & 924(a)(2) & 2

FIVE COUNTS

THE GRAND JURY CHARGES:

COUNT ONE

(Tampering with a Witness; 18 U.S.C. §§ 1512(a)(1)(C) & (2)

On or about June 21, 2010, in the District of Puerto Rico, and within the jurisdiction of this Court,

[1] XAVIER JIMÉNEZ-BENCEVI aka “Xavi,”
“Benjie Rafael Alicea-Colón”, “José Andino”, “Reinaldo Jiménez-Bencevi”, and
“Benjamín Amesquita-González”,

the defendant herein, aided and abetted by other individuals known and unknown to the Grand Jury, with the intent to prevent Delia Sánchez-Sánchez from communicating to a Federal law enforcement officer information relating to the commission or possible commission of a Federal offense, did kill Delia Sánchez-Sánchez, with malice aforethought, through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111, in that the

defendant knowingly, willfully, deliberately, maliciously and with premeditation, shot Delia Sánchez-Sánchez with a firearm, causing her death. All in violation of Title 18, United States Code, Sections 1512(a)(1)(C); 1512(a)(3)(A) & 2.

COUNT TWO

(Possession of a firearm, 18 U.S.C. §§ 924(c)(1)(A)(iii) & 924(c)(1)(B)(ii))

On or about June 21, 2010, in the District of Puerto Rico, and within the jurisdiction of this Court,

**[1] XAVIER JIMÉNEZ-BENCEVI aka “Xavi”,
“Benji Rafael Alicea-Colón”, “José Andino”, “Reinaldo Jiménez-Bencevi”, and “Benjamín Amesquita-González”,**

the defendant herein, did knowingly possess a firearm, as the term “firearm” is defined in Title 18, United States Code, Section 921(a)(3), namely a 9mm Smith and Wesson pistol, Model 910, serial number VKM2313, a weapon modified to fire automatically more than one (1) round, without manual reloading, by a single function of the trigger, as defined in Title 18, United States Code, Section 921(a)(23) and Title 26, United States Code, Section 5845(b), in furtherance of a crime of violence, as that term is defined in Title 18, United States Code, Section 924(c)(3), for which he may be prosecuted in a Court of the United States, to wit: witness tampering in violation of Title 18, United States Code, Sections 1512(a)(1)(C) and 1512(a)(3)(A), as charged in Count One, and attempted kidnapping in violation of Title 18, United States Code, Section 1201(a)(1), as charged in Count Four, which counts are re-alleged and incorporated by reference herein. All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii), 924(c)(1)(B)(ii).

COUNT THREE
(Use of a firearm, 18 U.S.C. §§ 924(j))

On or about June 21, 2010, in the District of Puerto Rico, and within the jurisdiction of this Court,

**[1] XAVIER JIMÉNEZ-BENCEVI aka “Xavi,”
“Benji Rafael Alicea-Colón”, “José Andino”, “Reinaldo Jiménez-Bencevi”, and “Benjamín Amesquita-González”,**

the defendant herein, did knowingly use, carry and discharge a firearm, as the term “firearm” is defined in Title 18, United States Code, Section 921(a)(3), namely a 9mm Smith and Wesson pistol, Model 910, serial number VKM2313, a weapon modified to fire automatically more than one (1) round, without manual reloading, by a single function of the trigger, as defined in Title 18, United States Code, Section 921(a)(23) and Title 26, United States Code, Section 5845(b), during and in relation to a crime of violence, as that term is defined in Title 18, United States Code, Section 924(c)(3), for which he may be prosecuted in a Court of the United States, to wit: witness tampering in violation of Title 18, United States Code, Sections 1512(a)(1)(C) and 1512(3)(A) as charged in Count One, and attempted kidnapping in violation of Title 18, United States Code, Section 1201(a)(1), as charged in Count Four which counts are re-alleged and incorporated by reference herein, and in the course of said crimes, the defendant unlawfully killed Delia Sánchez-Sánchez with malice aforethought and through the use of the firearm described herein, which killing is murder as defined in Title 18, United States Code, Section 1111, in that the defendant knowingly, willfully, deliberately, maliciously and with premeditation, shot Delia Sánchez-Sánchez with the firearm, thus causing her death. All in violation of Title 18, United States Code, Section 924(j).

COUNT FOUR

(Attempted Kidnapping, 18 U.S.C. § 1201(a)(1))

On or about June 21, 2010, in the District of Puerto Rico, and within the jurisdiction of this Court,

**[1] XAVIER JIMÉNEZ-BENCEVI aka “Xavi”,
“Benjie Rafael Alicea-Colón”, “José Andino”, “Reinaldo Jiménez-Bencevi”, and
“Benjamín Amesquita-González”,**

the defendant herein, aided and abetted by other individuals known and unknown to the Grand Jury, did willfully and unlawfully attempt to seize, kidnap, abduct or carry away Delia Sánchez-Sánchez, for his own benefit and purpose, and did make use of cellular phones, a means, facility or instrumentality of interstate commerce, in attempting to commit or in furtherance of the commission of said offense, which resulted in the death of Delia Sánchez-Sánchez. All in violation of Title 18, United States Code, Sections 1201(a)(1) & 2.

COUNT FIVE

(Possession of a Machine Gun, 18 U.S.C. § 922(o))

On or about June 21, 2010, in the Judicial District of Puerto Rico, and within the jurisdiction of this Court,

[2] JUAN C. NÚÑEZ-GERENA aka “Juan Bobo”,

the defendant herein, did knowingly and intentionally aid and abet defendant **[1] Xavier Jiménez-Bencevi** in the unlawful possession of a machinegun as charged in Count Two of this Indictment, that is, a loaded 9mm Smith and Wesson pistol, Model 910, serial number VKM2313, a weapon modified to fire automatically more than one (1) round, without manual reloading, by a single function of the trigger, as defined in Title 18, United States Code, Section 921(a)(23) and Title 26, United States Code, Section 5845(b). All in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2) & 2.

FORFEITURE ALLEGATION
(18 U.S.C. § 924(d)(1) & 28 U.S.C. § 2461(c))

1. The allegations contained in Counts One through Four of this Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. Upon conviction for the offenses charged in Counts One through Four of this Superseding Indictment,

**XAVIER JIMÉNEZ-BENCEVI aka “Xavi”,
“Benjie Rafael Alicea-Colón”, “José Andino”, “Reinaldo Jiménez-Bencevi”, and
“Benjamín Amesquita-González”,**

the defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved or used in the knowing commission of the offense, including, but not limited to: a loaded 9mm Smith and Wesson pistol, Model 910, serial number VKM2313. All pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

**NOTICE OF SPECIAL FINDINGS AS TO
DEFENDANT XAVIER JIMENEZ BENCEVI**

The Grand Jury hereby repeats and re-alleges the accusations contained in Counts One and Three of this Superseding Indictment.

A. As to Counts One and Three of the Superseding Indictment, defendant **XAVIER JIMENEZ BENCEVI**:

- a. was 18 years of age or older at the time of the offenses;
- b. intentionally killed the victim, Delia Sánchez-Sánchez (Title 18, United

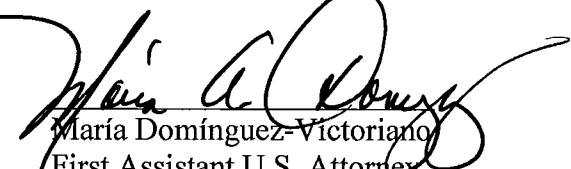
States Code, Section 3591(a)(2)(A));

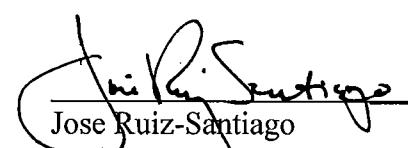
- c. intentionally inflicted serious bodily injury that resulted in the death of Delia Sánchez-Sánchez (Title 18, United States Code, Section 3591(a)(2)(B));
- d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Delia Sánchez-Sánchez died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));
- e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Delia Sánchez-Sánchez died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));
- f. caused the death, or injury resulting in the death, of Delia Sanchez-Sanchez during the commission or attempted commission of an offense under Title 18, United States Code, Section 1201 (kidnapping) (Title 18, United States Code, Section 3592(c)(1));
- g. has previously been convicted of a State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm (as defined in Section 921) against another person. (Title 18, United States Code, Section 3592 (c)(2));
- h. has previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person (Title 18, United States Code, Section 3592(c)(4));
- i. committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value (Title 18, United States Code, Section 3592(c)(8));
- g. committed the offense after substantial planning and premeditation to cause the death of Delia Sánchez-Sánchez (Title 18, United States Code, Section 3592 (c)(9)).

TRUE BILL

TRUE BILL
Dated: 1/10/2013

ROSA E. RODRIGUEZ-VELEZ
UNITED STATES ATTORNEY


Maria Dominguez-Victoriano
First Assistant U.S. Attorney


Jose Ruiz-Santiago
Assistant U.S. Attorney
Chief, Criminal Division


Llianys Rivera-Miranda-223006
Assistant U.S. Attorney